



Austin City Council MINUTES

SEPTEMBER 30, 1993 - 1:00 P.M.

1. **Approval of Minutes for Regular Meeting of September 9 and 16, 1993 and Special Meetings of September 1, 2, 7, 8, 9, 10 (two meetings), 11 and 16, 1993**

On Councilmember Goodman's motion, Councilmember Garcia's second, with two corrections, 7-0 Vote.

CITIZEN COMMUNICATIONS: GENERAL

2. **Ms. Carol Guthrie, to discuss employee relations. Not present.**
3. **Mr. Robert Singleton, to discuss the Development Agreement with particular emphasis on what the public can do to prevent Freeport McMoran from building 3,500 homes and 5 million square feet of commercial development in the Barton Creek Watershed.**
4. **Mr. Robert Brandes, to discuss the Balcones Canyonlands Conservation Plan.**
5. **Mr. Brent White, to discuss the process of varying SOS on the Lantana tract, the Council's failure to follow this process, and possible legal action against the Council.**
6. **Mr. Neal Tuttrup, to strongly object to the expedited schedule under which Jim Bob Moffett's PUD is being considered by the Boards and Commissions.**
7. **Ms. Charlene Shillman, to discuss putting the Museum of Fine Arts Austin on the agenda for acceptance would be very beneficial to the City of Austin because Robinson's Plan and Pryor's Plan could save the City of Austin \$10,000,000.**
8. **Mr. Al St. Louis, to ask why the speed limit at the West entrance to Zilker Park (Columbus Drive and MoPac frontage Road intersection) cannot be lowered from 40 mph since vehicles speed by this entrance at 45 to 60 mph now.**

9. Mr. Gavino Fernandez, to discuss why Mayor Todd refused to meet with El Concilio members regarding Holly power plant.
10. Mr. Ira Calkins, to discuss the policy for Channel 6 - will the Council make it?
11. Mr. Mike Workman, to discuss Austin issues.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Authorize negotiation and execution of a contract award with AUSTIN COMMUNITY TELEVISION for community access television and media management services, in an amount not to exceed \$630,000, with the option to extend thereafter for up to two (2) additional twelve (12) month extension options, in an amount not to exceed \$645,000 for the first extension, and in an amount not to exceed \$60,000 for the second extension, for a total amount not to exceed \$1,935,000. 10% MBE, 4.88% WBE Subcontractor participation. (Recommended by Cable Commission and Council Committee for Cable Television.) [Related to Items 13 & 41]

On Councilmember Nofziger's motion, Councilmember Shea's second, 6-1 Vote, Councilmember Reynolds voted No.

ORDINANCES

13. Amend Chapter 2-4-115 thru 2-4-121 (Cable Commission) of the Austin City Code of 1992, providing for changes in the powers, duties and responsibilities of the Austin Cable Commission; making such other amendments to the City of Austin Code of 1992 as necessary to conform with said changes. (Related to Items 12 & 41)
On Councilmember Nofziger's motion, Councilmember Shea's second, 7-0 Vote.
14. Approve second/third readings to disannex the 2,476 acre Decker Creek area subject to dissolution of the Decker Creek MUDs by the Texas Natural Resources and Conservation Commission and the filing of a restrictive covenant prohibiting the owner of the Decker Creek MUD site from seeking creation of or annexation to a water district without the City's written consent, for a period of five years following disannexation.
15. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1501 West 35th Street, Case No. C14-86-098, from LO, Limited Office, to LR-CO, Neighborhood Commercial-Conditional Overlay, by Greg Biehle. First reading on July 15, 1986, vote 5-1; Second reading on August 5, 1993, vote 6-0, Nofziger - absent. Conditions met as follows:

Restrictive covenant and conditional overlay incorporate the conditions imposed by Council.

#14-15 on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

16. Amend Chapter 16-1-15 of the City Code to permit the Director of Parks and Recreation or his designee to approve exemptions to the Ordinance prohibiting driving motor vehicles on parkland; and amend Chapter 3-3-3 of the City Code to permit the Director of Parks and Recreation to determine areas which will allow dogs to be without direct physical control. (No fiscal impact.) [Recommended by Parks Board.]

On Councilmember Garcia's motion, Councilmember Shea's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Nofziger out of the room.

17. Authorize acceptance of \$60,501 in additional grant funds from the Texas Department of Health, Women, Infants and Children (WIC) Nutrition/Education grant to expand the Breastfeeding Peer Counseling Program and reimburse other administrative costs; amend Ordinance No. 920922-E, the 1992-93 operating budget, amending the Special Revenue Fund by appropriating \$60,501 in grant funds for the Health and Human Services Department, for a total grant amount of \$1,360,794.
18. Approve the Third Amendment to Agreements concerning Creation and Operation of Austin Municipal Utility District Nos. 1, 2 and 3 (Harris Branch); providing revised terms for wastewater service and dedications of land and funding for park improvements. (The amendment provides for payment to the City of \$565,000 by the Developer toward construction of Walnut Creek Pumpover and release to the City of escrowed capital recovery fees totaling approximately \$180,000; the City will fund the balance of projected \$5 million cost of Pumpover construction with Capital Improvement Project Funds authorized in Proposition 8; construction of Pumpover Project will defer construction of subregional facilities until after the Year 2000.) [Recommended by Water and Wastewater Commission; to be reviewed by Parks Board on September 28, 1993.]

RESOLUTIONS

19. Authorize negotiation and execution of a License Agreement with the City of Cedar Park, to locate, construct, maintain, and operate a 12" water line under/across the Giddings-to-Llano Railroad right-of-way. (All costs to be paid by City of Cedar Park.)
20. Authorize negotiation and execution of a License Agreement with AQUA WATER SUPPLY CORPORATION, Bastrop, Texas, to locate, construct,

maintain, and operate a 4" water line under/across the Giddings to Llano Railroad right-of-way. (All costs to be paid by Aqua Water Supply.)

21. Authorize negotiation and execution of a License Agreement with SOUTHWESTERN BELL TELEPHONE COMPANY, Austin, Texas, to locate, construct, maintain and operate a fiber optic cable across/above the Giddings-to-Llano Railroad right-of-way. (All costs to be paid by Southwestern Bell.)
22. Approve an exchange of drainage easements between the Texas Department of Transportation and Jack Sullivan, owner. (No fiscal impact.)
23. Approve the third amendment to the ground lease and sublease agreement with the AMERICAN RED CROSS and JUNIOR ACHIEVEMENT OF CENTRAL TEXAS, by approving a three (3) year extension for fundraising and commencement of improvements to a two acre City-owned property located on Pershing Drive between Redwood and Greenwood Avenues. (No cost to the City. Revenue is \$1 per year.)
24. Approve a one (1) year renewal of an Interlocal Agreement between Travis County and the City of Austin, Public Works Department, Radio Communications Division, to provide for maintenance of two-way radios and related equipment owned by Travis County. (Funding in the amount of \$100,000 will be offset by revenues of the same amount; funding is available in the 1993-94 operating budget of the Fleet and Radio Fund of the Department of Public Works and Transportation.)
25. Approve a construction contract award to BURRIS CONSTRUCTION, Georgetown, Texas, for Transportation System Management Improvements on Martin Luther King Boulevard at Guadalupe Street, in the amount of \$688,345. (Funding in the amount of \$337,422.50 was included in the 1992-93 Capital Budget of the Department of Public Works and Transportation; \$337,422.50 was included in the 1991-92 Capital Budget of the Department of Public Works and Transportation through funding by Capital Metro Transportation Authority; \$7,500 was included in the 1991-92 Capital Budget of the Water Utility; and \$6,000 was included in the 1991-92 Capital Budget of the Wastewater Utility.) Low bid of three (3). 10% MBE, 11.02% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission.)
26. Approve Change Order #2 to ROBERT JENTSCH CONSTRUCTION, INC., Austin, Texas, for the Seaholm 35 KV Electric Substation improvements, in the amount of \$147,126.42, for a total contract amount of \$924,077.42. (Funding included in the 1991-92 Capital

Budget of the Electric Utility Department.) 3.30% MBE, 0% WBE Subcontractor participation.

#17-26 on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

New Austin Airport (Items 27-28)

27. Approve a thirty (30) year lease of Bergstrom Air Force Base from the Department of the Air Force to permit the City to take possession of the base but allow the Air Force to complete the environmental clean-up as required. (Cost of lease is \$1.00)

Motion

The Council, on Councilmember Shea's motion, Councilmember Reynolds' second, adopted a resolution to approve a one (1) year lease with four (4) one year options on public benefit property and a thirty (30) year lease for the remainder of Bergstrom Air Force Base from the Department of the Air Force to permit the City to take possession of the base but allow the Air Force to complete the environmental clean-up as required. 5-0 Vote, Councilmembers Goodman and Shea abstained.

28. Approve execution of contract amendments with the ARKWRIGHT INSURANCE COMPANY, The Woodlands, Texas, for property insurance and boiler machinery insurance, to increase the first year extension options by \$21,317 and \$1,833 respectively, and the second year extension options by \$63,450 and \$5,500, for a total estimated increase of \$92,600. (Funding in the amount of \$26,700 for the first year extension option and \$3,300 for the second year extension option is available in the 1993-94 operating budget of the Aviation Department; funding for the remaining \$26,700 for the second year extension option will be contingent upon availability of funding in future budgets.) No M/WBE Subcontracting opportunities were identified.

On Councilmember Garcia's motion, Councilmember Shea's second, 7-0 Vote.

29. Approve the negotiation and execution of a contract with UNIVERSAL SYSTEMS, INC., Fairfax, Virginia, for the purchase of a Digital Document Imaging System for the Department of Planning and Development, in an amount not to exceed \$225,000. (Funding in the amount of \$125,000 is available in the 1992-93 operating budget of the Department of Planning and Development; \$100,000 is available in the 1993-94 operating budget of the Department of Planning and Development.) Best proposal of eight (8). No M/WBE Subcontracting opportunities were identified.

30. Authorize execution of an Interlocal Agreement with Travis County and the Austin-Travis County Private Industry Council setting forth the functions, responsibilities, roles, and relationship of the three parties pursuant to the requirements of the Job Training Partnership Act. (No fiscal impact.)
31. Set a public hearing on an appeal by Lenore E. Newsom of the Planning Commission's decision to deny an application for a conditional use permit site plan for a kennel to be located at 6004 City Park Road. (Suggested date and time: October 14, 1993 at 5:15 p.m.)

#29-31 On Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.
32. Set a public hearing to levy paving assessments for Brodie Lane Phase II. (Suggested date and time: January 13, 1994 at 4:30 p.m.)
Pulled off agenda.

RECESS - Council recessed from 4:05 to 4:10 P.M. for the Austin Housing Finance Corporation Board of Directors Meeting.

AUSTIN HOUSING FINANCE CORPORATION BOARD OF DIRECTORS MEETING

33. Approve minutes of the September 16, 1993 meeting.
34. Approve the 1993-94 budget for the Austin Housing Finance Corporation. (Funding in the amount of \$2,050,063 from the Housing Assistance Fund; \$26,061 from Travis County Bond Program Issuer Fee; \$46,365 from points on Travis County Bond Program.)

ITEMS FROM COUNCIL

35. Direct the City Manager to study the issues related to the City of San Antonio's contract with the Texas Disposal Systems Landfill, Inc. (Councilmembers Gus Garcia and Brigid Shea)
36. Approve a resolution approving the City of Austin's co-sponsorship with the Travis County Veterans Day Parade Committee of the Veterans Day Parade. (Councilmembers Gus Garcia and Jackie Goodman)
37. Amend Subsection 2-4-176(f) of the Austin City Code of 1992 by designating the Department of Planning and Development as the staffing department of the Design Commission. (Councilmembers Michael "Max" Nofziger and Jackie Goodman)

#35-37 on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

ZONING HEARINGS AND APPROVAL OF ORDINANCES

The following items will be postponed to a future date. Posting of these items on this agenda is required due to a previous advertisement for this date.

38. C14-85-149.100.03 - MELLON PROPERTIES CO. (Blake Magee), by Graves, Dougherty, Hearon (Anne E. Vanderburg), Avenue N and Pansy Lane. Restrictive Covenant Amendment. Planning Commission Recommendation: To approve the staff recommendation to amend the conceptual land use plan which is part of the restrictive covenant on the Scofield Farms development as follows: (1) Planning Area 3 and 12B shall be changed from R&D, Research and Development to SF-6 limited to 5 units per acre as recommended under zoning case C14-93-0068; (2) Planning Area 12A shall be changed from LR, Neighborhood Commercial zoning to MF-1, Multifamily Residence zoning as recommended under zoning case C14-93-0068; (3) Planning Area 25D shall be changed from P, Public District to RR, Rural Residence zoning as recommended under zoning case C14-93-0068.
Postponed to October 7, 1993.
39. C14-93-0068 - MELLON PROPERTIES CO. (Blake Magee), by Graves, Dougherty, Hearon (Anne E. Vanderburg), Avenue N and Pansy Lane. From LR, R&D & P to MF-1, SF-6 & RR. Planning Commission Recommendation: To grant (1) SF-6-CO, Townhouse and Condominium Residence-Conditional Overlay, zoning for Planning Areas 3 and 12B, limited to 5 units per acre; (2) MF-1, Multifamily, zoning for Planning Area 12A; and (3) RR, Rural Residence, zoning for Planning Area 25D.
Postponed to October 7, 1993.
40. C14-93-0117 (C14-84-247) - FDIC (Charles Clark), by William J. Scudder, Architect (Pat Scudder), 2426 Riverside Farms Road and 5000-5400 blocks of East Oltoft Street. From I-SF-2 to GR, MF-3 and LI.
Postponed to October 28, 1993, but due to the fact that the October 28, 1993 Council meeting is canceled, the case will be scheduled on November 4, 1993.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session was held on the morning of this date in the office of the Mayor.

Advice from Counsel - Sec. 551.071

41. Discuss possible amendments to the Rules and Procedures for the use of Public Access Channels and grand jury investigations now pending

in Travis and Williamson Counties regarding the INFOSEX Video.
(Related to Items 12 and 13)

42. Discussion on the status of St. Elmo Vehicle Maintenance Facility Project C.I.P. No. 887-787-0250, Pelzel & Associates, Inc., general contractor.
43. Discuss ownership interest in South Texas Nuclear Plant. (Related to Item 49)
50. Discuss the hiring of a mediator to assist in implementing the Barton Creek Community Planned Unit Development Agreement.

Pending/Contemplated Litigation - Sec. 551.071

44. Discussion of City of San Antonio, Texas, et al v. Westinghouse Electric Corporation, Cause No. 90-5-0684-C, in the 23rd District Court of Matagorda County, Texas.
45. Discussion of Houston Lighting & Power Company v. City of San Antonio, et al, Cause No. 88-6923-E, in the 101st District Court of Dallas, County, Texas.
46. Discussion of NCNB Corporation v. City of Austin and Westinghouse Electric Corporation; Cause No. 92-01008
47. Discussion of Gutierrez, et al, v. Mobil Oil Corp. et al., Cause No. 92-04889, District Court, Travis County, Texas.
48. Discussion of Barbara Ancira Vallone et al. v. City of Austin, Cause No. 92-08134, District Court, Travis County, Texas.

ACTION ON THE FOLLOWING

49. Approve execution of agreements with the law firms of BICKERSTAFF, HEATH & SMILEY, FULBRIGHT & JAWORSKI, AND McCALL, PARKHURST & BORTON, for legal counsel and representation on matters concerning the South Texas Project. (Related to Item 43)
In the amount of \$2,350,000.
51. Approve execution of an agreement with Tom Reavley for mediation services on matters relating to the Barton Creek Community Planned Development Agreement, in an amount not to exceed \$12,000.

#49 and 51 on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

RECESS

Mayor Pro Tem Urdy's motion, seconded by Councilmember Garcia, to recess for the Ceremony at Bergstrom Air Force Base at 4:05 P.M. was approved on a 7-0 Vote.

Councilmember Shea's motion, seconded by Councilmember Reynolds to return to Council Chamber to listen to Final Citizen Communications at 8:00 P.M. was approved on a 7-0 Vote.

ADJOURN There were two finale speakers and the meeting adjourned at 8:04 P.M. on Councilmember Shea's motion, Councilmember Goodman's second, 4-0 Vote, Mayor Pro Tem Urdy, Councilmembers Nofziger and Reynolds absent.

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